

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

FERMIN GONZALEZ,

Defendant.

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8:07CR301

ORDER

This matter is before the court on the defendant's unopposed motion to continue trial and all related hearings and deadlines [18]. Based on the information presented in the motion, the court will grant a continuance of 60 days. The defendant is required to file a waiver of speedy trial.

IT IS ORDERED that defendant's motion [18] is granted, as follows:

1. The deadline for filing pretrial motions is extended to **January 7, 2008**
2. A trial date will be set in accordance with the Speedy Trial Act after January 7, 2008 or after the resolution of any substantive pretrial motions.
3. In accordance with 18 U.S.C. § 3161(h)(8)(A), the court finds that the ends of justice will be served by granting this motion and outweigh the interests of the public and the defendant in a speedy trial. Any additional time arising as a result of the granting of this motion, that is, the time between **November 8, 2007 and January 7, 2008**, shall be deemed excludable time in any computation of time under the requirement of the Speedy Trial Act for the reason that counsel require additional time to adequately prepare the case, taking into consideration due diligence of counsel and the novelty and complexity of this case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B)(iv).
4. Defendant shall file an affidavit or declaration regarding speedy trial in accordance with NECrimR 12.1 and/or 12.3 no later than **November 6, 2007**.

DATED October 31, 2007.

BY THE COURT:

**s/ F.A. Gossett
United States Magistrate Judge**